



MINUTES

FORMAL MEETING OF CITY COUNCIL

Diamondhead, Mississippi

Council Chambers
City Hall
September 3, 2013
6:00 pm

1. **Call to Order**—Mayor Schafer called the meeting to order at 6:00 p.m.
2. **Invocation**—Councilmember LaFontaine
3. **Pledge of Allegiance**—Councilmember Rech
4. **Roll Call**—The following members of Council were present: Mayor Schafer, Ernie Knobloch, Joe Lopez, Blaine LaFontaine, Thom Sislow, Ron Rech
5. **Approval of Minutes**—Councilmember Rech moved, seconded by Councilmember Lopez, to Accept the Minutes Subject to Any Corrections or Additions Made by Council. The motion carried unanimously and the following Minutes were approved:
 - August 15, 2013 Work Session
 - August 19, 2013 Formal Council Meeting
 - August 28, 2013 Budget Public Hearing
6. **Confirmation or Adjustment of the Agenda Order**—Councilmember LaFontaine moved, seconded by Councilmember Knobloch, to Accept the Agenda Order Subject to Any Adjustments or Additions Made By Council, the City Manager, or the City Clerk. There being no additions or adjustments to the Agenda, the motion carried unanimously and the Order of the Agenda was accepted.
7. **Communications/Announcements from the Mayor and Council**
 - a. A Special Called Meeting of City Council will be held at 1 p.m. on Tuesday, September 10, 2013 in Activity Center to Adopt the Budget and Accept the Millage.
 - b. The next regularly scheduled Council Work Session will be held at 1:15 p.m. on Tuesday, September 10, 2013 in Activity Center located at 5000 Diamondhead Circle.
 - c. The next regularly scheduled Council Meeting will be held 6 p.m. on Tuesday, September 17, 2013 in Council Chambers located at 5000 Diamondhead Circle.
8. **Presentations / Appointments**

None
9. **City Manager's Report**

The City Manager was recognized and announced that Business License Renewal Notices are going out; Incode training is continuing and will go live for check writing in two weeks; Paul Montjoy called and indicated that 25-30 kids from Hattiesburg and will be planting in our green space in front of city hall, 8:30-2pm on September 4, 2013; the City will be removing dead trees under the direction of an arborist who will determine which trees to remove and trim.

10. **Docket of Claims**—Councilmember Rech moved, seconded by Councilmember LaFontaine, to Accept the Docket of Claims as Presented Subject to any Additions, Corrections, or Deletions Made by Council. The motion carried unanimously.

11. **Citizens Wishing to Address Council, Agenda Items**
None

12. **OLD and NEW BUSINESS**

- a. 2013-2072—Motion to Approve an Ordinance of the Mayor and City Council of the City of Diamondhead, Mississippi Providing For A Prohibition of Deadly Weapons In and Around City-Owned or City-Occupied Facilities.

The City Attorney was recognized and indicated that the Ordinance is more reflective of what is needed pursuant to the Attorney General's opinions to ensure that City Hall remains a safe place and that it is in compliance with the law.

Following discussion, Councilmember Rech moved, seconded by Councilmember Sislow, to Approve an Ordinance of the Mayor and City Council of the City of Diamondhead, Mississippi Providing For A Prohibition of Deadly Weapons In and Around City-Owned or City-Occupied Facilities. The motion carried unanimously and was approved as Ordinance 2013-037 and will be in force and effective immediately.

- b. 2013-3002—Motion to Discuss a letter to Hancock County Board of Supervisors regarding Diamondhead Water and Sewer District Commission appointments. Councilmember Lopez moved, seconded Councilmember LaFontaine, to table the issue. The motion carried unanimously and 2013-3002 was tabled until the next Work Session on September 24, 2013.
- c. 2013-3005—Motion to Approve a Resolution Approving the Recommendation from the Planning & Zoning Commission to Deny the Application for Variance Request of 188.5 sq. ft., Submitted by Mr. Daniel Hughes dba 3D Signs, for Signage for Goody's #772 and Approve a Variance of 129 sq. ft., Case #2013-09.

Following discussion, Councilmember Lopez moved, seconded by Councilmember LaFontaine, to deny the recommendation from the Planning and Zoning Commission, Case # 2013-09 and approve the 3D/Goodies original sign variance request of 88 sq. ft., allowing the Goodies sign to be 188 sq. ft. in size, based on the following findings of fact:

1. There are special conditions that affect the Goodies development as their linear store front is greater than other store front footages in the same development;
2. Interpretation of the sign ordinance that limits the applicant's signage size would deprive the applicant, Goodies, of the same rights enjoyed by businesses in the immediate area, those being Rouses Grocery, Ace Hardware, Valero Gas Station, Burger King, Waffle House, Dairy Queen and Shell Gas Station, whose storefront signage is similar and proportional in signage size to the applicant's request;

3. There are no special conditions or circumstances that were caused by the applicant as other large linear storefront owners in the immediate area have enjoyed storefront signage of similar or greater size than the applicant's request for many years;
4. Approving the applicant's original request would not give the applicant any special signage size privileges as Rouses Grocery, Ace Hardware, Valero Gas, Burger King, Waffle House, Dairy Queen, Shell Gas Station all have signage of similar size and proportion or greater than that proposed by the applicant with the single exception of Dollar Tree, whose original variance request was denied by the Planning and Zoning Commission and upheld by the previous city council and whereby the Planning and Zoning Commission in this instance set an "inferred" maximum square footage of signage on future developments of 129 sq. ft. The Planning and Zoning Commission based their decision on setting the Goodies signage area a 'not to exceed the approved Dollar Tree signage' and was not based on store front linear footage of 70 linear footage feet for Dollar Tree and 107 linear footage feet for Goodies. The Planning and Zoning Commission action thus gave Dollar Tree a greater advantage of signage size at a 1:1.9 ration and Goodies a 1:1.2 ratio of linear feet to store front signage.

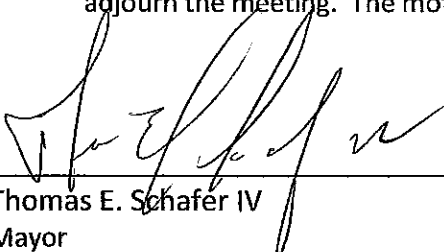
Following additional discussion, the motion carried unanimously.

- d. 2013-3009—Motion to Approve the FY2013 Certification of Municipal Compliance Questionnaire for the Office of the State Auditor. Councilmember Rech moved, seconded by Councilmember Knobloch, to approve the FY2013 Certification of Municipal Compliance Questionnaire for the Office of the State Auditor. Following discussion, the motion was amended by Councilmember Rech and seconded by Councilmember Lopez to approve the FY2013 Certification of Municipal Compliance Questionnaire for the Office of the State Auditor as amended by the City Accountant. The motion carried unanimously.

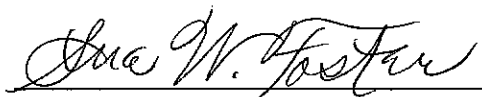
13. Citizens Wishing to Address Council, Non-Agenda Items
None

Councilmember Lopez was recognized and indicated that NVision would be closing on the old Diamondhead Academy building on September 4, 2013.

- 14. RECESS OR ADJOURN**—Councilmember LaFontaine moved, seconded by Councilmember Sislow, to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 6:37 p.m.



Thomas E. Schafer IV
Mayor



Sue W. Foster, City Clerk

Meeting Notice Posted at City Hall on August 27, 2013.